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ROGITZ & ASSOCIATES
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER	
BELIVEAU, SCOTT E	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,265	DACOSTA, BEHRAM MARIO	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 07 July 2005. These drawings are approved.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument that the Brodsky reference fails to disclose the particular limitation of "causing primary words within the closed captioning text to appear differently in the closed captioning text than remaining secondary words", the examiner respectfully disagrees. As concurred by applicant, Brodsky discloses the particular reception of closed captioning text. Certain words "within the closed captioning text" or primary words or words for which additional topical content is available (Col 4, Lines 44-47) are presented in a menu for which the user to select from. Accordingly, "primary words within the closed captioning text . . . [are caused to] appear differently in the closed captioning text" as displayed on the television screen by virtue of those words appearing in a separate area/region of the screen or on-screen menu for subsequent selection by the user.

With respect to applicant's argument that the Brodsky reference cannot be combined with a remote controller such as Allport so as to facilitate the particular selection of words, the examiner respectfully disagrees. The Brodsky reference contemplates the particular usage of a remote control for the selection of items from a displayed menu (Col 1, Lines 23-29) and further suggests the usage of "other input request means" by which to select items from a

menu in connection with the user interface [110] (Col 6, Lines 11-20). As a remote controller, as earlier set forth in Brodsky, is a form of input request means, it is the examiner's position that the particular usage of the remote controller of Allport which is capable of displaying supplemental information including closed caption information (Allport: Col 3, Line 62 – Col 4, Line 5) constitutes an obvious modification over the suggested usage of a remote controller of Brodsky.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5, 6, 8, 10-12, 14, 15, 17-20, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471) in view of Allport (US Pat No. 6,097,441).

In consideration of claim 1, the Brodsky reference illustrates a system [100] for implementing a "method for obtaining information based on a TV program". The method comprises "displaying, with the program, closed captioning text" wherein "primary words" (Col 4, Lines 44-47) "within the closed captioning appear differently in the closed captioning text than remaining secondary words" by virtue of their appearance within a list of selectable keywords. The usage of "primary words" is considered met wherein "primary words" are selected for inclusion within the list of selectable words based upon their relationship with a

listing of available topics (Col 4, Lines 44-47). The user is subsequently operable to "select at least one word to establish a selected word" through a user interface [110] wherein "if the selected word is a primary word, [the system] displays a list of content related to the selected word" (Col 5, Lines 11-35; Col 6, Lines 12-42).

The reference, discloses that it is known in the art for a remote control to select items from a displayed menu (Col 1, Lines 27-29) however, the exact composition of the user interface [110] is unclear such that it necessarily is a "remote control device communicating with the TV" in order to provide a means or other input request means to remotely select items appearing on a television screen. In an art related to the problem of user interaction with video distribution components, the Allport reference discloses the particular usage of a "remote control device" [10] that "communicates with [a] TV" [80] (Figure 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize the "remote control device" [10] of Allport for the purpose of advantageously providing a secondary user interface which leaves the primary viewing screen or TV uncluttered (Col 4, Lines 53-60) and further provides the user with an input means the ability to remotely control the selection of items of interest.

In consideration of claim 10, the Brodsky reference discloses a "system" [100] for "obtaining information using a TV closed caption display" [108]. In particular, the system comprises a "TV" [108] for "receiving content from a source, [wherein] the content includes closed caption text" (Col 2, lines 19-23) that is subsequently processed and stored as a dictionary of keywords (Col 4, Lines 49-61). The user is subsequently operable to utilize a user interface [110] (Col 5, Lines 11-20) to "select" "at least one word appearing in the

closed caption text" or "within the closed captioning text" or "from the closed captioning text" displayed on the display [108] whereupon a "computer" [106] accesses an "accessible data structure" [112] associated with . . . the TV" via a "computer" [106] to "retrieve from the data structure a list of content related to at least one word appearing in the closed caption text and selected by a user" (Col 6, Lines 12-42).

The reference, discloses that it is known in the art for a remote control to select items from a displayed menu (Col 1, Lines 27-29) however, the exact composition of the user interface [110] is unclear such that it necessarily is a "remote control device communicating with the TV" in order to provide a means or other input request means to remotely select items "from the closed caption text" appearing on a television screen in the selection menu. The Allport reference discloses the particular usage of a "remote control device" [10] that is "configured for wireless communication with [a] TV" [80] (Figure 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize the "remote control device" [10] of Allport for the purpose of advantageously providing a supplemental user interface which leaves the primary viewing screen or TV uncluttered (Col 4, Lines 53-60) and further provides the user with an input means the ability to remotely control the selection of items of interest.

In consideration of claim 18, the Brodsky reference illustrates a "system" [100] for "retrieving content related to a TV program including closed caption text". The system comprises "means for displaying the TV program with closed caption text" [108] and "means for presenting a list of content associated [a] word" [108] selected by the user (Col 5, Lines 21-35). With respect to the "means for selecting", it is unclear if the Brodsky reference

utilizes an equivalent means in conjunction with the selection of items through a user interface [110]. The Allport reference discloses the particular usage of a remote control device [10] to be used in conjunction with the selection and display of supplemental information or "means for selecting" (Figure 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize the "remote control device" [10] of Allport as a "means for allowing a user to select at least one word within the closed caption text by input device manipulation on the closed caption text" for the purpose of advantageously providing a supplemental user interface which leaves the primary viewing screen or TV uncluttered (Col 4, Lines 53-60) and further provides the user with an input means the ability to remotely control the selection of items of interest.

In consideration of claims 2, 11, and 19, Brodsky discloses that the "list is displayed in a picture-in-picture (PIP) window on the TV" (Brodsky: Col 5, Lines 22-35).

With respect to claims 3, 12, and 20, as aforementioned, the Brodsky reference is silent as to the particulars of the user interface [110] involving a "remote control device". As aforementioned, the Allport reference provides evidence that it is known for a "remote control device" to serve/act as a secondary user interface so as to provide a means for leaving the primary viewing screen or TV uncluttered by a navigational interface (Col 4, line 66 - Col 4, Line 14). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize a "remote control device" such as that disclosed by Allport such that the "list is displayed on a display of the remote control device" for the purpose of advantageously providing a means for displaying the supplemental content

in a manner that leaves the primary viewing screen or TV uncluttered by the supplemental content (Col 4, Lines 53-60) and provides the user with the ability to remotely control the selection of items of interest.

Claims 5, 14, and 22 are rejected wherein the Brodsky reference discloses that the system "permits a user to select at least one content on the list and displaying the content" (Brodsky: Col 6, Lines 12-42).

Claim 6 is rejected wherein the Brodsky reference discloses that the "content is obtained from an audio/video data storage" such as a local or remote CD-ROM "associated with the TV" (Brodsky: Col 6, Lines 12-42).

With respect to claims 8, 17, and 25, the Brodsky reference discloses that a "processor" [106] "associated with the TV" [108] is operable to "add the content to a local data storage associated with the TV and correlate the content with other content related to the selected word" associated with the pre-fetched content associated with a particular keyword (Brodsky: Col 5, Line 64 - Col 6, Line 11).

In consideration of claims 15, and 23, as aforementioned, the Brodsky reference discloses that the "content is obtained from an audio/video data storage" such as a local or remote CD-ROM "associated with the TV" (Col 6, Lines 12-42). With respect to the particular limitation such that the "computer" [106] is "in the TV", it is unclear from the illustration if the system of Brodsky is necessarily composed of a single television housing. The Allport et al. reference provides evidence that it is known in the art for a "computer" [155] or processor to be "in the TV" [80] (Allport: Col 9, Lines 19-34; Col 12, Lines 48-51). Accordingly, it would have been obvious to one having ordinary skill in the art, in light of the combined

references, so as to utilize a single housing such that the "computer is in the TV" for the purpose of eliminating the cost associated with providing communication channel between the television and the base station. Furthermore, legal precedence provides that "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

5. Claims 4, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471), in view of Allport (US Pat No. 6,097,441), and in further view of Chang (US Pat No. 5,543,851).

In consideration of claim 4, as aforementioned, the combined references enable the user to select "primary words" derived from the closed captioning for which topics relating to supplemental content exist. The references, however, do not particularly disclose nor preclude a modification such that the user is operable to select additional words or "secondary words" decoded from the closed captioning stream so as to particularly receive a "dictionary definition of the selected word". The Chang reference provides evidence that it is known for a "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word" (Chang: Col 5, Lines 33-43). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify combined teachings so as to "display a dictionary definition of the selected word" if the "selected word is a secondary word" for the purpose of providing a time efficient means for proving the user with the meaning of a term which appears in the closed caption text (Chang: Col 1, Lines 18-28) even if additional supplemental topical information is not available.

With respect to claims 13 and 21, as aforementioned, the Brodsky reference does not particularly disclose nor preclude that the supplemental information may not include the ability for the "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word". The Chang reference provides evidence that it is known for a "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word" (Chang: Col 5, Lines 33-43). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify combined teachings so as to further provide supplemental information including a dictionary definition of a word for the purpose of providing a time efficient means for proving the user with the meaning of a term which appears in the closed caption text (Chang: Col 1, Lines 18-28).

6. Claims 7, 9, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471) in view of Allport (US Pat No. 6,097,441) and in further view of the Encyclopedia Britannica Online article.

In consideration of claims 7, 16, and 24, as aforementioned, the Brodsky reference discloses that the supplemental information from remotely based databases that include encyclopedias may be "downloaded" from broadcasters or dial-up service providers "in response to the user selecting the content" (Brodsky: Col 6, Lines 12-42). However, the reference does not explicitly disclose that the supplemental information may be "downloaded from at least one of: the Internet, and a transmitter head end". The Allport reference provides evidence that it is known to download information from the Internet [95] through a dial-up connection [135], but does not explicitly disclose the particular usage of the Internet to access remote encyclopedias. The "Encyclopedia Britannica Online" article provides

evidence that the Internet based encyclopedias are known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to "download from at least one of: the Internet . . . " encyclopedia information such as provided by "Encyclopedia Britannica Online" for the purpose of utilizing the most complete compendium of general knowledge on the Internet as a source of supplemental data.

Claim 9 is rejected wherein the article provides evidence that it is known to "bill the user for downloading content" in connection with a subscription fee to access the online encyclopedia.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Thomsen (US Pub No. 2002/0067428 A1) reference discloses a system and method for enabling a user to select text from a closed captioning information as input for subsequent Internet searches.
- The Kempisty (US Pub No. 2003/0169234 A1) reference discloses a remote control which is operable to display and enable the user to select from on-screen display menus derived from the television unit.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Beliveau

Examiner
Art Unit 2614

SEB
August 24, 2005

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600